

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/662,372

Group Art Unit: 3743

Inventor: H. Kobayashi et al.

Filed: 9/16/2003

Title: LOW NOx COMBUSTION
USING COGENERATED
OXYGEN AND NITROGEN STREAMS

Examiner: Kenneth Rinehart

18 u)
HMH (3050)
(152)
10/22/04

SUBMISSION OF DECLARATION

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OCT 13 2004
EXAMINING DIVISION

Attention: Licensing and Review

Dear Sir:

Submitted herewith is a Declaration by the three co-inventors in the above-captioned application.

This Declaration is submitted in response to the Notice mailed September 2, 2004, in the above-captioned application, stating that the subject matter of the above-captioned application appears to be useful in the production or utilization of special nuclear material or atomic energy as recited in 42 U.S.C. 2182 (Department of Energy, "DOE") and appears to have significant utility in the conduct of aeronautical and space activities as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration, "NASA").

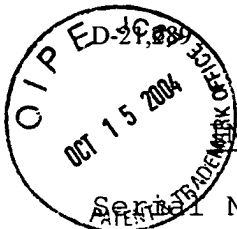
The references to both agencies are addressed in this Declaration.

Respectfully submitted,

A handwritten signature in black ink, reading "Donald T. Black", written over a horizontal line.

Donald T. Black
PTO Reg. No. 27,999
Attorney for Applicants

Praxair, Inc.
39 Old Ridgebury Road
Danbury, CT 06810
(203) 837-2669
October 14, 2004



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DECLARATION

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OCT 18 2004
LICENSING & REVIEW

Attention: Licensing and Review

Dear Sir:

okay

In response to the Notice mailed September 2, 2004, in the above-captioned application, stating that the subject matter of the above-captioned application appears to be useful in the production or utilization of special nuclear material or atomic energy as recited in 42 U.S.C. 2182 (Department of Energy, "DOE") and appears to have significant utility in the conduct of aeronautical and space activities as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration, "NASA"),

We, Hisashi Kobayashi, a citizen of Japan, and Lawrence F. Bool III and William J. Snyder, citizens of the United States of America, residing respectively at 170 Barger Street, Putnam Valley, NY 10579, 5420 Hunters Creek Road, East Aurora, NY 14052 and 39 Orchard Drive, Ossining, NY 10562, hereby declare that

(A) We made and conceived the invention described and claimed in the above-captioned patent application Serial No. 10/662,372, filed in the United States of America on September 16, 2003, entitled LOW NO_x COMBUSTION USING COGENERATED OXYGEN AND NITROGEN STREAMS;

(B) We made and conceived this invention while employed (in the case of Hisashi Kobayashi and Lawrence F. Bool III) and engaged as a consultant (in the case of William J. Snyder) by Praxair, Inc., of 39 Old Ridgebury Road, Danbury, CT 06810, and the invention is related to the work we were and are employed (in the case of Hisashi Kobayashi and Lawrence F. Bool III) and were engaged (in the case of William J. Snyder) to perform, was made within the scope of our respective employment and engagement duties, and was made during working hours and with the use of facilities, equipment, materials, funds, information and services of said Praxair, Inc.

(C.1) With respect to the statement in the Notice that refers to the Department of Energy, the invention which is the subject of the above-captioned patent application was made with United States Government support under Cooperative Agreement No. DE-FC26-00NT40756 awarded by the Department of Energy. As provided in 35 U.S.C. 202(c)(6), the United States Government has certain rights in the invention. The first paragraph of the above-captioned patent application, as filed in the United States Patent and Trademark Office, contains the following statement in its first paragraph:

"This invention was made with United States Government support under Cooperative Agreement No. DE-FC26-00NT40756 awarded by the Department of Energy. The United States Government has certain rights in the invention."

(C.2) With respect to the statement in the Notice that refers to NASA, the invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

(D) The undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Hisashi Kobayashi

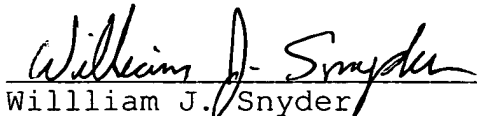
10/13/2004
Date of Signature

Post Office Address: 170 Barger Street
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Lawrence F. Bool, III

10/11/04
Date of Signature

Post Office Address: 5420 Hunters Creek Road
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William J. Snyder

10/13/2004
Date of Signature

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Ossining, NY 10562